

SENATE BILL 204

Unofficial Copy  
A2

2003 Regular Session  
3r1125

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By: **Senators Brochin and Hollinger**  
Introduced and read first time: January 29, 2003  
Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 17, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Baltimore County - Alcoholic Beverages - Towson Revitalization District**

3 FOR the purpose of authorizing the Baltimore County Board of License  
4 Commissioners to transfer and issue for certain purposes a certain number of  
5 certain alcoholic beverages licenses for restaurants in the Towson Revitalization  
6 District under certain circumstances; specifying the ~~class~~ classes of the license;  
7 specifying issuance qualifications, fee, days and hours of sales, and certain other  
8 ~~licensing~~ qualifications, requirements, and restrictions; ~~defining a certain term~~  
9 providing for the termination of this Act; and generally relating to alcoholic  
10 beverages licenses in the Towson Revitalization District.

11 BY adding to  
12 Article 2B - Alcoholic Beverages  
13 Section 8-204.3  
14 Annotated Code of Maryland  
15 (2001 Replacement Volume and 2002 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article 2B - Alcoholic Beverages**

19 8-204.3.

20 (A) ~~IN THIS SECTION, "LICENSE" MEANS A CLASS B (SB)~~  
21 ~~RESTAURANT SERVICE BAR BEER, WINE AND LIQUOR (ON SALE) LICENSE.~~

1       ~~(B) (1) NOTWITHSTANDING LICENSE POPULATION QUOTA LIMITATIONS,~~  
2 ~~THE BALTIMORE COUNTY BOARD OF LICENSE COMMISSIONERS MAY ISSUE SIX~~  
3 ~~LICENSES IN THE TOWSON REVITALIZATION DISTRICT THAT WAS ADOPTED BY THE~~  
4 ~~BALTIMORE COUNTY COUNCIL ON OCTOBER 4, 1999 FOR CONVERSION PURPOSES~~  
5 ~~ONLY, AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION.~~

6               ~~(2) (I) EXCEPT FOR CLASS C LICENSES, SIX OF ANY CLASS BEER, WINE~~  
7 ~~AND LIQUOR (ON SALE) RETAIL LICENSES IN EXISTENCE AT ANY LOCATION IN~~  
8 ~~BALTIMORE COUNTY ON JANUARY 1, 2003, MAY BE TRANSFERRED INTO THE TOWSON~~  
9 ~~REVITALIZATION DISTRICT IN BALTIMORE COUNTY AND CONVERTED INTO CLASS B~~  
10 ~~(SB) LICENSES.~~

11               ~~(II) ON TRANSFER, THE TRANSFERRED LICENSE MAY NOT BE~~  
12 ~~CONSIDERED AS A LICENSE IN THE DISTRICT FROM WHICH IT WAS TRANSFERRED.~~

13       ~~(C) A LICENSE ISSUED UNDER THIS SECTION:~~

14               ~~(1) SHALL BE USED ONLY IN CONJUNCTION WITH THE OPERATION OF A~~  
15 ~~RESTAURANT AS DEFINED BY THE RULES OF THE BALTIMORE COUNTY BOARD OF~~  
16 ~~LICENSE COMMISSIONERS;~~

17               ~~(2) SHALL ALLOW ON PREMISES SALES ONLY; AND~~

18               ~~(3) IS RESTRICTED TO RESTAURANTS THAT HAVE TABLE SERVICE,~~  
19 ~~SPECIFICALLY EXCLUDING ANY TYPE OF SERVICE WHILE STANDING OR WHERE THE~~  
20 ~~CUSTOMER ACCEPTS DELIVERY OF THE PURCHASED FOOD ITEMS OTHER THAN~~  
21 ~~WHILE SEATED AT A TABLE.~~

22       ~~(D) (1) OTHER ISSUANCE QUALIFICATIONS, LICENSE FEE, AND DAYS AND~~  
23 ~~HOURS OF SALES FOR A LICENSE AUTHORIZED UNDER THIS SECTION ARE THE SAME~~  
24 ~~AS FOR A CLASS B BEER, WINE AND LIQUOR (ON SALE) HOTEL AND RESTAURANT~~  
25 ~~LICENSE IN BALTIMORE COUNTY.~~

26               ~~(2) THE PROPOSED LOCATION FOR A RESTAURANT FOR WHICH A~~  
27 ~~LICENSE IS ISSUED UNDER THIS SECTION MUST COMPLY WITH APPLICABLE ZONING~~  
28 ~~ORDINANCES OF BALTIMORE COUNTY.~~

29       ~~(E) (1) ONCE ISSUED, A LICENSE MAY NOT BE TRANSFERRED OUTSIDE OF~~  
30 ~~THE TOWSON REVITALIZATION DISTRICT OR CONVERTED TO ANY OTHER CLASS OF~~  
31 ~~LICENSE.~~

32               ~~(2) A LICENSE MAY NOT BE ISSUED FOR USE ON A PREMISES OR~~  
33 ~~LOCATION THAT HAS BEEN LICENSED UNDER ANY CLASS OF ON-SALE ALCOHOLIC~~  
34 ~~BEVERAGES LICENSE WITHIN 2 YEARS BEFORE THE APPLICATION FOR A LICENSE~~  
35 ~~AUTHORIZED UNDER THIS SECTION IS FILED WITH THE BALTIMORE COUNTY BOARD~~  
36 ~~OF LICENSE COMMISSIONERS.~~

37       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
38 June 1, 2003.

1 (A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

2 (B) (1) NOTWITHSTANDING THE LICENSE POPULATION QUOTA  
3 LIMITATIONS AND IN ADDITION TO THE LICENSES AUTHORIZED FOR ISSUANCE IN  
4 BALTIMORE COUNTY UNDER THIS ARTICLE, THE BOARD OF LICENSE  
5 COMMISSIONERS MAY AUTHORIZE THE TRANSFER OF THREE BEER, WINE AND  
6 LIQUOR (ON-SALE) RETAIL LICENSES ISSUED PRIOR TO JANUARY 1, 2002 AND IN  
7 EXISTENCE IN ELECTION DISTRICT 15 OF BALTIMORE COUNTY ON OCTOBER 1, 2003  
8 AND VALID ON THE DATE OF TRANSFER INTO THE "TOWSON REVITALIZATION  
9 DISTRICT" AS DEFINED BY THE BALTIMORE COUNTY COUNCIL ON OCTOBER 4, 1999.

10 (2) EXCEPT AS PROVIDED TO THE CONTRARY IN SUBSECTION (F) OF  
11 THIS SECTION, A LICENSE TRANSFERRED UNDER THIS SECTION:

12 (I) MAY NOT BE A CLASS A OR CLASS C LICENSE;

13 (II) MAY NOT BE A LICENSE THAT IS PROHIBITED FROM BEING  
14 TRANSFERRED BY LAW OR LOCAL REGULATION;

15 (III) SHALL BE CONSIDERED A REGULAR LICENSE AND NOT AN  
16 EXCEPTION LICENSE FOR PURPOSES OF DETERMINING THE TOTAL NUMBER OF  
17 LICENSES AVAILABLE IN ANY ELECTION DISTRICT BASED ON THE RULE OF THE  
18 BOARD OF LIQUOR LICENSE COMMISSIONERS THAT LIMITS THE TOTAL NUMBER OF  
19 LICENSES AVAILABLE BY POPULATION;

20 (IV) SHALL BE CONVERTED INTO A CLASS B (TRD) LICENSE; AND

21 (V) AS OF THE DATE OF TRANSFER, MAY NOT BE CONSIDERED TO  
22 EXIST IN ELECTION DISTRICT 15.

23 (C) THE RESTRICTIONS AND QUALIFICATIONS FOR ISSUANCE, FEE, MINIMUM  
24 SQUARE FOOT AREA REQUIREMENT FOR FOOD AND BEVERAGE PREPARATION AND  
25 CONSUMPTION, AND DAYS AND HOURS OF SALE UNDER A CLASS B (TRD)  
26 RESTAURANT BEER, WINE AND LIQUOR (ON-SALE) LICENSE ARE THE SAME AS  
27 PROVIDED IN THIS ARTICLE AND THE REGULATIONS OF THE BOARD OF LIQUOR  
28 LICENSE COMMISSIONERS FOR A CLASS B BEER, WINE AND LIQUOR (ON-SALE)  
29 HOTEL AND RESTAURANT LICENSE.

30 (D) (1) ONE OF THE TWO CLASS B (TRD) LICENSES AUTHORIZED BY THIS  
31 SECTION SHALL BE ISSUED ONLY FOR A LOCATION WITHIN THE TOWSON  
32 REVITALIZATION DISTRICT, AS ADOPTED BY THE BALTIMORE COUNTY COUNCIL ON  
33 OCTOBER 4, 1999, AND IS SUBJECT TO THE FOLLOWING ADDITIONAL REQUIREMENTS:

34 (I) THE LICENSE SHALL BE USED IN CONJUNCTION WITH THE  
35 OPERATION OF A RESTAURANT, AS DEFINED IN THIS ARTICLE AND IN THE  
36 REGULATIONS OF THE BOARD OF LICENSE COMMISSIONERS;

37 (II) THE RESTAURANT OPERATION SHALL MAINTAIN AVERAGE  
38 DAILY RECEIPTS FROM THE SALE OF FOOD OF AT LEAST 70% OF THE TOTAL DAILY  
39 RECEIPTS OF THE ESTABLISHMENT;

1                   (III)    1.    THE TOTAL SEATING CAPACITY FOR THE AREA  
2 DEDICATED PRIMARILY FOR THE PURPOSE OF THE CONSUMPTION OF ALCOHOLIC  
3 BEVERAGES MAY NOT EXCEED 15% OF THE TOTAL SEATING CAPACITY OF THE  
4 ESTABLISHMENT; AND

5                   2.    THE PORTION OF THE FACILITY DEDICATED TO THE  
6 RESTAURANT SHALL HAVE A MINIMUM SEATING CAPACITY OF 100 PERSONS;

7                   (IV)    EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE  
8 HOURS DURING WHICH THE PRIVILEGES CONFERRED BY THE LICENSE MAY BE  
9 EXERCISED MAY NOT EXCEED THE HOURS DURING WHICH FOOD IS OFFERED FOR  
10 SALE;

11                  (V)    EACH APPLICANT FOR TRANSFER AND ISSUANCE OF THE  
12 LICENSE SHALL DEMONSTRATE TO THE BOARD OF LICENSE COMMISSIONERS THAT  
13 THE RESTAURANT HAS A MINIMUM CAPITAL INVESTMENT OF \$500,000 FOR  
14 RESTAURANT FACILITIES EXCLUDING THE COST OF THE LAND AND BUILDING;

15                  (VI)    THE LICENSE AUTHORIZES ON-PREMISES SALES ONLY OF  
16 ALCOHOLIC BEVERAGES; AND

17                  (VII)   THE PROPOSED PREMISES SHALL COMPLY WITH ALL  
18 APPLICABLE ZONING REGULATIONS.

19                  (2)    (I)    ONCE ISSUED, A LICENSE MAY NOT BE TRANSFERRED OUTSIDE  
20 OF THE TOWSON REVITALIZATION DISTRICT OR CONVERTED TO ANY OTHER CLASS  
21 OF LICENSE.

22                  (II)    A CLASS B (TRD) LICENSE UNDER THIS SUBSECTION MAY NOT  
23 BE ISSUED FOR USE ON A PREMISES OR LOCATION THAT HAS BEEN LICENSED  
24 UNDER ANY CLASS OF ON-SALE ALCOHOLIC BEVERAGES LICENSE WITHIN 2 YEARS  
25 BEFORE THE APPLICATION FOR A LICENSE AUTHORIZED UNDER THIS SECTION IS  
26 FILED WITH THE BALTIMORE COUNTY BOARD OF LICENSE COMMISSIONERS.

27                  (E)    (1)    ONE OF THE TWO CLASS B (TRD) LICENSES AUTHORIZED BY THIS  
28 SECTION SHALL BE ISSUED FOR A LOCATION WITHIN:

29                  (I)    A MIXED-USE BUILDING OR STRUCTURE THAT CONTAINS AT  
30 LEAST 250,000 TOTAL SQUARE FEET USED FOR ANY COMBINATION OF RETAIL,  
31 SERVICE, ENTERTAINMENT, PARKING, OFFICE, AND RESTAURANT USES; AND

32                  (II)    THE OLD TOWSON SHOPPING DISTRICT IN THE "TOWSON  
33 REVITALIZATION DISTRICT" THAT IS LOCATED ALONG BOTH SIDES OF THE 300, 400,  
34 AND 500 BLOCKS OF YORK ROAD AND THE UNIT AND 100 BLOCKS OF WEST  
35 CHESAPEAKE AVENUE AND WEST PENNSYLVANIA AVENUE.

36                  (2)    (I)    EACH APPLICANT FOR TRANSFER AND ISSUANCE OF THE  
37 LICENSE UNDER THIS SUBSECTION SHALL DEMONSTRATE TO THE BOARD OF  
38 LICENSE COMMISSIONERS THAT THE RESTAURANT HAS A MINIMUM CAPITAL  
39 INVESTMENT OF \$500,000 FOR RESTAURANT FACILITIES.

1 (II) THE MINIMUM CAPITAL INVESTMENT REQUIRED BY  
2 SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT INCLUDE THE COST OF THE LAND  
3 AND BUILDING.

4 (3) ONCE ISSUED, THE LICENSE MAY NOT BE:

5 (I) TRANSFERRED TO A NEW LOCATION OUTSIDE OF THE  
6 MIXED-USE BUILDING; OR

7 (II) CONVERTED TO ANY OTHER CLASS OF LICENSE.

8 (F) (1) ONE OF THE THREE LICENSES AUTHORIZED BY SUBSECTION (B) OF  
9 THIS SECTION FOR TRANSFER INTO THE TOWSON REVITALIZATION DISTRICT IN  
10 BALTIMORE COUNTY SHALL BE CONVERTED INTO A CLASS B (SB) RESTAURANT -  
11 SERVICE BAR BEER, WINE AND LIQUOR (ON-SALE) LICENSE.

12 (2) A LICENSE ISSUED UNDER THIS SUBSECTION:

13 (I) SHALL BE USED ONLY IN CONJUNCTION WITH THE OPERATION  
14 OF A RESTAURANT AS DEFINED BY THE RULES OF THE BALTIMORE COUNTY BOARD  
15 OF LICENSE COMMISSIONERS;

16 (II) SHALL ALLOW ON-PREMISES SALES ONLY; AND

17 (III) IS RESTRICTED TO RESTAURANTS THAT HAVE TABLE SERVICE,  
18 SPECIFICALLY EXCLUDING ANY TYPE OF SERVICE WHILE STANDING OR WHERE THE  
19 CUSTOMER ACCEPTS DELIVERY OF THE PURCHASED FOOD ITEMS OTHER THAN  
20 WHILE SEATED AT A TABLE.

21 (3) (I) EACH APPLICANT FOR TRANSFER AND ISSUANCE OF THE  
22 LICENSE SHALL DEMONSTRATE TO THE BOARD OF LICENSE COMMISSIONERS THAT  
23 THE RESTAURANT HAS A MINIMUM CAPITAL INVESTMENT OF \$300,000 FOR  
24 RESTAURANT FACILITIES.

25 (II) THE MINIMUM CAPITAL INVESTMENT REQUIRED BY  
26 SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT INCLUDE THE COST OF THE LAND  
27 AND BUILDING.

28 (4) THE RESTAURANT FACILITY SHALL HAVE A MINIMUM SEATING  
29 CAPACITY OF 100 PERSONS.

30 (5) (I) OTHER ISSUANCE QUALIFICATIONS, THE LICENSE FEE, AND  
31 THE DAYS AND HOURS OF SALES FOR A LICENSE AUTHORIZED UNDER THIS  
32 SUBSECTION ARE THE SAME AS FOR A CLASS B BEER, WINE AND LIQUOR (ON-SALE)  
33 HOTEL AND RESTAURANT LICENSE IN BALTIMORE COUNTY.

34 (II) THE PROPOSED LOCATION FOR A RESTAURANT FOR WHICH A  
35 LICENSE IS ISSUED UNDER THIS SECTION SHALL COMPLY WITH APPLICABLE ZONING  
36 ORDINANCES OF BALTIMORE COUNTY.

1           (6)     (I)     ONCE ISSUED, A LICENSE MAY NOT BE TRANSFERRED OUTSIDE  
2 OF THE TOWSON REVITALIZATION DISTRICT OR CONVERTED TO ANY OTHER CLASS  
3 OF LICENSE.

4                     (II)     A CLASS B (SB) LICENSE UNDER THIS SUBSECTION MAY NOT BE  
5 ISSUED FOR USE ON A PREMISES OR LOCATION THAT HAS BEEN LICENSED UNDER  
6 ANY CLASS OF ON-SALE ALCOHOLIC BEVERAGES LICENSE WITHIN 2 YEARS BEFORE  
7 THE APPLICATION FOR A LICENSE AUTHORIZED UNDER THIS SECTION IS FILED  
8 WITH THE BALTIMORE COUNTY BOARD OF LICENSE COMMISSIONERS.

9     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2003. It shall remain effective for a period of 1 year and 3 months and, at  
11 the end of December 31, 2004, with no further action required by the General  
12 Assembly, this Act shall be abrogated and of no further force and effect.